

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

)
Telecommunications Relay Services and
Speech-to-Speech Services for Individuals
with Hearing and Speech Disabilities)

CC Docket No. 98-67

COMMENTS OF BELL ATLANTIC' ON NOTICE OF PROPOSED RULEMAKING

I. Introduction and Summary

The Commission should mandate speech-to-speech ("STS")

Telecommunications Relay Service ("TRS") only if the record shows that the demand is sufficient to justify the cost. At this time, the Commission does not have sufficient information to determine whether requiring a nationwide program is warranted. In any event, whether it mandates STS or leaves deployment to the states, it should encourage cost-effective STS solutions, such as one or more centralized STS call processing centers rather than state-specific facilities. The Commission should, however, adopt its tentative conclusion that the states should determine whether to support video relay interpreting service or Multilingual Relay Service within their jurisdiction, and that the Commission not adopt a federal mandate that they do so.

¹ The Bell Atlantic telephone companies ("Bell Atlantic") are Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc.; New York Telephone Company; and New England Telephone and Telegraph Company.

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The Commission should clarify the method of measuring the speed of answering TRS calls, as it proposes, in order to foster nationwide uniformity in such measurement. There is no need, however, for national competency standards for TRS Communications Assistants. Any needed standards should be adopted on a state-by-state basis, based on local conditions.

II. The Commission Should Determine Whether Demand for An STS Program Justifies the Cost.

The Commission tentatively concludes that it should require all carriers to offer speech-to-speech relay service within two years. *Notice of Proposed Rulemaking*, FCC 98-90, ¶¶ 23-26 (rel. May 20, 1998) ("Notice"). The record from the Notice of Inquiry,² however, does not show the expected demand for this service nor the costs of providing it.³ In the absence of such statistics, the Commission cannot perform the cost-benefit analysis that is needed to determine whether to require states to fund such a program.

The experience in Maryland, the only Bell Atlantic state in which STS is currently being provided as part of the statewide TRS program, has been that the demand for STS is relatively low. In the most recent month for which information is available, May 1998, only 90 STS calls were placed. This represents less than one-tenth of one

² *Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996, Notice of Inquiry*, 12 FCC Rcd 1152 (1997). 49 parties filed comments and 34 parties filed replies in that proceeding. See Notice at App. A.

³ Although the Commission cites filings indicating the number of persons with speech defects, Notice at ¶ 20 and n.43, there are no statistics showing the potential demand for STS relay service.

percent of the total number of TRS calls placed during that month. In other months, the number of calls averaged between 100 and 150.⁴ Maryland's experience is also that an STS call lasts an average of 12 minutes, which is twice the length of a typical TRS call, so the cost of completing STS calls is higher than the cost of other TRS calls. On the other hand, by processing STS calls in a centralized center outside the state, Maryland's vendor has been able to process these calls more efficiently.

Based on this limited experience, it would appear that there is a relatively small demand for STS, and the Commission should determine whether this low demand warrants a mandatory program in each state. On the other hand, if all states would agree to processing STS calls in a small number of central relay centers, the costs could be contained. Some states, however, currently require that TRS operators be located within that state. If this requirement were extended to STS, the cost could be prohibitive, because a single state may not have sufficient STS calls to warrant around-the-clock coverage. Using Maryland's experience, if there were only between 3 and 5 calls per day (90-150 per month) of 12 minutes each in a particular state, operators located in that state would be occupied in processing STS calls for an average of less than an hour each day but must be available around-the-clock. Also, if states require such separate centers, there may not be enough trained STS operators to staff them all.

Accordingly, the Commission should adopt its tentative conclusion to mandate intrastate STS within two years only if the record developed in this rulemaking

⁴ The Maryland program has been in operation since March 1997.

warrants, based upon evidence of sufficient demand to justify the cost.⁵ If it concludes based on this inquiry that a requirement for some form of STS is warranted, it should take steps to ensure the service can be provided efficiently – for example, through centralized call bureaus.

III. The Commission Should Not Mandate VRI Service or MRS.

The Commission should adopt its tentative conclusion not to require carriers to provide video relay interpreting (“VRI”) service⁶ or multilingual relay services (“MRS”).⁷ VRI requires an ISDN line or equivalent high-capacity facility, video teleconferencing equipment, and use of a sign language interpreter. As the Commission finds, the costs could be prohibitive and there appear not to be enough qualified sign language interpreters to meet the staffing needs of a nationwide VRI service. Notice at ¶ 32. As to when the Commission should revisit this decision (see Notice at ¶ 33), it should reconsider this decision upon receiving a petition that makes *aprima facie* case of need, including an estimate of the potential demand for VRI, a cost estimate, a cost-

⁵ Whether it adopts a nationwide STS program or leaves the decision to each state, the Commission should amend the definition of a TRS Communications Assistant, as it proposes, to remove the limitation that such personnel provide transliteration only between speech and text. See Notice at ¶ 18, proposing to amend 47 C.F.R. § 64.601(5).

⁶ VRI uses personal computer teleconferencing equipment, sign language interpreting services, and high-speed transmission to enable a TRS user to communicate with voice telephone users in sign language or another form of visual communication. See Notice at ¶ 27.

⁷ MRS provides TRS service in languages other than English, through a communications assistant who is fluent in the foreign language. See Notice at ¶ 35.

benefit analysis to demonstrate that it would be worth the cost, and an indication that a sufficient number of qualified interpreters will be available to provide the service.

The demand for MRS in any area, as the Commission indicates, is dependent on the number of non-English-speaking individuals in the particular geographical area with hearing impairments. *Id.* at ¶ 37. For that reason, the decision on implementing MRS is properly left to each state, as the Commission tentatively finds. *Id.* The Commission should also adopt its tentative finding that translation services between languages is not part of TRS. *Id.* at ¶ 39.

IV. TRS Centers that Receive ANI Should Pass the ANI to Emergency Services Operators.

The Commission asks whether a TRS center that receives an emergency call and refers it to an emergency services operator should pass the caller's automatic number identification ("ANI"). Notice at ¶ 41. Not all TRS centers are equipped to receive ANI. However, those that are so equipped could pass the ANI to the emergency center to help expedite response to the emergency. The Commission should not, however, attempt to define "emergency" for this purpose, as it asks. *Id.* The TRS operator should be instructed that, if appropriate, the call should be referred to the emergency services center and the ANI passed, if available. It would then be up to the emergency services operator to determine the extent of the emergency and respond accordingly.*

⁸ As the Commission acknowledges, under current regulations, emergency services must be available to text telephone users. Notice at ¶ 41.

V. TRS Operators Should Be Able To Assist In Navigating Voice Response Systems.

As the Commission tentatively concludes, enhanced or information services are not subject to the TRS requirements of the Act. Notice at ¶ 45. The Commission should, however, allow TRS Communications Assistants to summarize for the user a voice response message that is encountered during a TRS call. See *id.* at ¶ 46. As it finds, a verbatim relay of the recorded message could be time-consuming and unnecessary and should not be required. *Id.* Of course, if the voice response system offers a “live” operator option, the TRS operator should access that operator to avoid the problem of relaying the voice response messages.

VI. The Commission Should Adopt a Uniform Speed of Answer Measurement.

The Commission’s existing rule requires that 85% of calls be answered within ten seconds, but it does not specify how that 85% is to be measured. See 47 C.F.R. § 64.604(b)(2). The proposal here to require speed-of-answer to be measured on a uniform basis appears reasonable in the context of this service. In addition, as the Commission proposes, redialed or “abandoned” calls should not be included in the speed-of-answer calculations, because, as the Commission indicates, many of such calls are caused by the caller’s own decision not to complete the call rather than by delays in answering. As a result, including them would artificially increase the apparent response time. See Notice at ¶ 53.

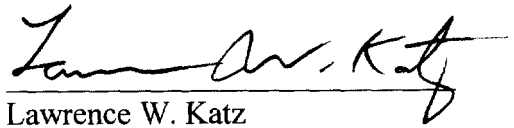
VII. The Commission Should Not Adopt Competency Rules For Communications Assistants.

The Commission asks whether it should adopt competency rules for Communications Assistants, including minimum typing speeds and the ability to engage in clear and articulate voice communications. Notice at ¶¶ 58-60. Although these skills are important to the success of a TRS service, the Commission should leave any competency rules to the states to adopt, as needed. Setting federal minimums may make it difficult to find qualified Communications Assistants in some areas. Each state should have the right to determine what, if any, Communications Assistant competency skills should be prescribed to ensure that the needs of persons with disabilities within the particular jurisdiction are being met. For interstate services, the Commission should prescribe competency requirements only if the overall level of Communications Assistant competency for interstate calls is inadequate, and there is nothing in the record showing this to be the case.

VIII. Conclusion

Accordingly, the Commission should resolve the issues in this proceeding in a manner consistent with these comments.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Lawrence W. Katz", written over a horizontal line.

Lawrence W. Katz

Michael E. Glover
Of Counsel

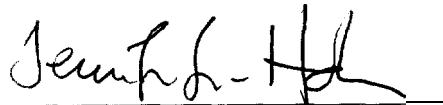
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Attorney for the Bell Atlantic
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July 20, 1998

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 1998 a copy of the foregoing "Comments of Bell Atlantic" was served on the parties on the attached list.

A handwritten signature in black ink, appearing to read "Jennifer L. Hoh", written over a horizontal line.

Jennifer L. Hoh

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